IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc. No.26088-M of 2007
Date of Decision:- 30.10.2007

Satnam Singh ....Petitioner(s)

through
Mr.J.S.Bains, Advocate.

vs.

State of Punjab & others ....Respondent(s)

through
Mr.K.D.S.Sidhu, DAG, Punjab.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J. (ORAL)

Reply filed in Court is taken on record.

The petitioner, who has been convicted under the NDPS Act and sentenced to undergo rigorous imprisonment for 10 years has been denied parole to meet his family members primarily on the apprehension that he may abscond and indulge in smuggling of narcotics and, thus, create law and order problem.

There is no denial to the fact that the petitioner is in custody since the year 2004 (pending trial). It is also not disputed that he has not availed parole so far. No other case under the NDPS Act and/or any other penal law is reported to be registered/pending against him.

No material whatsoever has been disclosed by the respondents in their reply filed in Court on the basis of which apprehension of the petitioner's absconding or indulging in the smuggling of narcotics, can be

formed.

That apart

, various remedial measures can be taken by the Authorities to ensure that a convict while on parole does not misuse the said concession. The petitioner can be asked not only to furnish his own heavy personal bonds but also of 2-3 respectables of the village. Similarly, he can be asked to report to the police station concerned intermittently to ensure that he does not escape from the consequences of law.

For the reasons afore-stated, the impugned order dated 30.8.2006 is set aside and the respondents are directed to re-consider the petitioner's claim in accordance with law and pass an appropriate order, within a period of two months from the date of receipt of certified copy of this order.

October 30, 2007 **(SURYA KANT)**
poonam **JUDGE**